

2. The undisputed material facts establish that Defendants did not interfere with or retaliate against Plaintiff for requesting FMLA, rather Plaintiff was terminated for failure to show up for work on January 11, 2010.

3. There is no genuine issue as to any material fact in this case and Defendants are entitled to judgment as a matter of law.

4. In further support of this motion, Defendants file contemporaneously herewith their Statement of Undisputed Material Facts with Exhibits and Memorandum of Law in Support of this Motion for Summary Judgment.

WHEREFORE Defendants TRANS STATES HOLDINGS, INC., TRANS STATES AIRLINES, GOJET AIRLINES and ED TROWBRIDGE respectfully request that this Court enter summary judgment in their favor and against Plaintiff on all claims, and grant such other relief as this Court deems just and proper under the circumstances.

Dated: April 8, 2011

Respectfully Submitted,

/s/: David J.A. Hayes, III

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CERTIFICATE OF ELECTRONIC SERVICE

Darren Cuff v. Trans States Holdings, Inc., et al.

10-CV-01349

I hereby certify that on April 8, 2011, I electronically filed the foregoing **Defendants' Motion for Summary Judgment** with the Clerk of the Court for the Northern District of Illinois using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Filing: Alejandro Caffarelli and Bradley Manewith.

I also certify that I have forwarded a paper copy of the foregoing, via standard overnight delivery, to: Judge Leinenweber pursuant to Local Rule 5.2(f).

Dated: April 8, 2011

Respectfully Submitted,

/s/: David J.A. Hayes, III

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